

## **ARTICLE VI**

### **FLOOD PLAIN DISTRICT**

The land located in the Flood Plain District as hereinafter described and defined is deemed to be subject to seasonal or periodic flooding. The purposes of the Flood Plain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain.

If any land in the Flood Plain District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for uses permitted in the underlying basic district as described in this By-Law, and that such land use will not increase the danger to the health or safety of the occupants thereof, the Board of Appeals may grant a special permit for such uses of said land as are permitted in the underlying basic district. The underlying basic districts are the districts described in Article II of the Topsfield Zoning By-Law and any amendments thereto. (Art. 48, 5-9-1978; Art. 6, 5-6-1980; Art. 20, 5-4-1993)

#### **6.01 Permitted Uses.**

Except as hereinbefore provided in Article VI, the following uses only are permitted in the Flood Plain District:

- A. Farming, including forestry, nursery and truck gardening and the pasturing of livestock, but not the erection of permanent structures for use in connection with the above.
- B. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
- C. Taking of water for irrigation, farming or agriculture.
- D. Recreation, including play areas, nature study, golf, boating, fishing, and hunting, where legally permitted in the underlying basic District.
- E. Land within the Flood Plain District and in the same ownership as an adjoining lot in the underlying basic District may be counted as part of such lot when determining the area, width, yards or coverage of such lot provided that no structure except one permitted in this section, is erected in the Flood Plain District nor is any sewage disposal area constructed in the Flood Plain District.
- F. With the written approval of the Board of Appeals, which shall have found that the proposed use is not contrary to the purpose of this District.
- G. The removal or deposit of earth products, as part of a flood control or other conservation program or in connection with the building of a driveway, or road provided that the Board of Appeals find such driveway or road does not interfere with natural drainage or result in any increase in flood levels during the 100-year flood.
- H. The discharge of storm water run-off into a stream.
- I. Shelters in connection with wildlife conservation and management or agriculture.
- J. Boathouses and docks not accessory to a dwelling and having the same area requirements as the underlying basic District.  
(Art. 48, 5-9-1978; Art. 6, 5-6-1980; Art. 20, 5-4-1993)

#### 6.02 Required Lot Area, Width, Yards, Coverage, Height.

Requirements shall be as defined in the underlying basic District.  
(Art. 48, 5-9-1978; Art. 20, 5-4-1993)

#### 6.03 Flood Plain District Description.

The Flood Plain District includes all land within the one hundred (100) year base flood elevation areas shown as "Zone AE" and "Zone A" on the Topsfield Flood Insurance Rate Map<sup>i</sup> (FIRM) and the accompanying Topsfield Flood Insurance Study (FIS) dated June 2, 1994 which are hereby adopted as part of the Topsfield Zoning By-Law.

A. The boundaries of the Flood Plain District shown as "Zone AE" are defined by the one hundred (100) year base flood elevations shown on the FIRM and by the Flood Elevation Profiles contained in the FIS.

B. The boundaries of the Flood Plain District shown as "Zone A" on the FIRM are not defined by one hundred (100) year base flood elevations. Proposals for the development of land located within a "Zone A" shall include determination of one hundred (100) year base flood elevation data.

C. The boundaries of the Flood Plain District and the one hundred (100) year base flood elevations shall be provided with all proposals for development of land located within a "Zone AE" or "Zone A" which are submitted to the Board of Appeals in support of an application for a permit. The actual Flood Plain District boundaries shall reflect the approved base flood elevations and the actual topography of the site. (Art. 20, 4-9-1993; Art. 26, 5-3-1994)

#### 6.04 Flood Plain Districts--Prohibited Uses.

In the Flood Plain District, no building structure for human habitation or for any occupation, except as expressly permitted by other provisions of Section 6.01, shall hereafter be erected, altered, enlarged or moved. (Art. 48, 5-9-1978; Art. 20, 5-4-1993)

#### 6.05 Flood Plain Districts--Removal of Earth Products Prohibited.

In the Flood Plain District, no earth products shall be removed or deposited except under the provisions of Section 6.01. (Art. 48, 5-9-1978; Art. 20, 5-4-1993)

#### 6.06 Invalid or Inoperative.

If for any reason the restrictions or requirements contained in this Article VI shall be or become invalid or inoperative as to any land in the Flood Plain District, then such land shall be subject to the Zoning uses and requirements of the basic underlying District in which such land is located.  
(Art. 48, 5-9-1978; Art. 20, 5-4-1993)

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<sup>i</sup> **Editor's Note:** A copy of these documents is available for review in the office of the Town Clerk.